

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	CASE NO: 1:18CR584
	)	
Plaintiff,	)	Judge Sara Lioi
	)	
v.	)	Magistrate Judge Kathleen B. Burke
	)	
BRIAN KING,	)	
	)	<u>ORDER</u>
Defendant.	)	

This case is before the undersigned on Defendant’s Motion to Set a Bond and Release Defendant from Custody Pending Sentencing (“Motion”). Doc. 30. The Government has filed a Response opposing Defendant’s Motion. Doc. 33.

Defendant has been adjudged guilty of Counts 1 through 3 of the indictment pursuant to a plea agreement and is scheduled to be sentenced on November 15, 2019. Docs. 28, 29. At the time of his arraignment, Defendant waived a hearing on the Government’s Motion for Detention and was ordered detained. Doc. 10.

The statute applicable to Defendant’s Motion is 18 U.S.C. § 3143. It provides that the Court “shall order that a person who has been found guilty of an offense and who is awaiting imposition . . . of sentence . . . be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released . . . .” In his Motion, Defendant states that he “is requesting that he be given a bond so that he may get his affairs in order before he begins a

prison sentence anticipated to be over 5 years in length.” Doc. 30, p. 1. He offers no other basis for his request to be released on bond. The Government points out that Defendant’s conviction is a change in circumstance that “weighs heavily against” the Motion because Defendant is facing a 67-month prison sentence and “thus remains a risk of flight and a danger to the community.”

The Court concludes that Defendant’s Motion fails to meet the standard for release set forth in 18 U.S.C. § 3143 and thus DENIES the Motion.

**IT IS SO ORDERED.**

Dated: October 8, 2019

s/Kathleen B. Burke  
**KATHLEEN B. BURKE**  
**United States Magistrate Judge**